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PROPERTY REGIMES AND EXPLOTATION OF THE FORESTS

AN ECONOMIC ANALYSIS: THE CASE OF SPAIN

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I.- INTRODUCTION

Different regions in Spain reacted differently to the privatization wave that dominated Europe during the XIX century. All over Spain, the important changes on the property rights over the forests were made during the last century. The liberal, pro-capitalistic ideology guided the action of the political power: Privatization was thought as a necessary condition for prosperity. The commons were privatized all over Europe so as to change drastically the economic life of the whole society.

For reasons not yet well understood for us, the privatization in Navarra -a region on the North of Spain- had not the severity it had in the rest of Spain. In our work we study the degree of privatization in different regions of Spain and compare the degree of privatization with the quality of the forests measured by the evolution of the forestland.

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II.- A PICTURE OF NAVARRA FORESTS AND MOUNTAINS: PRESENT & PAST

1.- The present of Navarra: Statistical references

The singularity of Navarra land property structure is the quantitative and qualitative importance of public ownership of forests and mountains surface. They represent a 42% of total province surface. These figures are very different in other regions in Spain (13%), where 19th century (and the beginning of 20th) privatization process was much more intense.

"Navarra Forests Plan Document" (1998) contains the latest information about the structure of forest property in Navarra and the quantities in every class. However, the Document itself underlines these figures are not completely trustworthy.

The concept of forest is used in a broad sense: it applies to all land not used for agricultural or urban uses.

Public local entities own 354.000 has., which suppose 62% of forest surface. Not all of them are covered by trees; 260.000 has. are tree surface (73% of public local surface). Navarra community is owner of another 18.593 has.

On the other hand, private property forests are not so important (177.000 has.), around 31% of total forests in Navarra. 86.000 has are tree surface (48% of private property forests). In addition, these properties are divided into very small pieces, belonging to a large number of owners. For these two reasons, we don't study them in this paper.

To sum up, public property of local entities represents most of the surface. However, owner is not always the same. Among these, there are "242 concejos, 202 simples, 6 plural municipalities,... 53 faceros, 4 Valleys Joint and 5 Mountains Unions".

Consequences of different administrative bodies are based mainly in who decides about the uses, management issues and even distributive aspects of the common resources.

2.- The past of Navarra: the statistical references

One of our goals is to understand how the present situation of these resources had been reached, trying to learn from the past. We compare Navarra and Spain privatization of public mountains and how this process was developed.

We used in our explanations the statistical references by GEHR (1994) and Iriarte Goñi (1997). Main figures can be saw in appendix 1.

3.- The historical institutional framework: the liberal reforms (Spain and Navarra)

A.- The economic situation. Notes about property in Spain

The end of 18th century and the beginning of 19th was in Spain the time during which the economy began to overcome a long phase of decline. Demographic acceleration forced the need for new ideas for development policy. Anyway, this trend was common to all European countries. The country underwent a movement away from a regionalized economy -almost exclusively agrarian, and based on a feudal system- toward an integrated system with commercial agriculture and a growing manufacturing sector, a kind of market economy.

Economic writings from the time agreed on the idea that the basically agrarian economy of Spain was seriously distorted. This argument may be true in the main. The reform writings and policies didn't distinguish between efficient and inefficient institutions. All Ancient Regime institutions had to disappear. They based their policies on the prevailing economic ideas of the time. Common property institutions were considered to be inefficient. This explained why some potentially efficient institutions, such as the common use of mountains lands, were also reformed. Reformers didn't care to know that some institutions had succeeded in enabling users to govern and manage common property resources successfully.

Let's see some of the main criticisms from these economists to the traditional agrarian system. First, the land was cultivated under a three-field system, quite different from the continental system. This system lay two fields fallow each year; during the first fallow year the stubble was used for grazing. One of the reasons given for this allocation of property rights, according to some authors, was the power of the Mesta (the guild of sheepowners). The State sacrificed the interests of arable farmers, and ultimately those of consumers, for the sake of the increased taxes from the privileged sheepowners. It seems that it was easier to tax sheep than agricultural products since these factors were easier to measure and monitor¹.

In addition, large areas of fertile land were held in mortmain. Other vast tracts could not be enclosed due to the grazing rights of the Mesta

¹ Vid. Simpson (1995), Nugent and Sanchez (1989) and Galilea (2000).

guild; as a result, the properties could not be fenced, and the free use of private property on the land was seriously limited (this could be another reason, the institutional reason, for the "non exclusion" characteristic of these lands;). To sum up, the definition of property rights was very unclear, as a consequence of the feudal institutions inherited from the past. This was the reason why so few new lands were turned over to agriculture and also for the low level of improvements applied at the time. The new goal of reformers was to create the necessary conditions for the market and this structure of overlapping rights didn't fit in very well.

One of the traditional features of the Spanish agricultural system is the large extension of common property. Nowadays, this is the case of most of the mountain lands in the country. This proportion was more important in the 18 and 19th centuries, when the delay of the agriculture techniques was relevant. What is surprising is the number of similarities to be found between the writings of the 18 and 19th century economists and the famous "tragedy" of Hardin. They suggested that the only way to avoid the inefficiency of resource overexploitation and overgrazing was to create a system of private property rights. Did it work? At least, they tried. Let's see how it was developed and what results were obtained.

B.- A singular structure of property: the "propiedad comunal"

The situation in Navarra (and the whole of Spain) in 19th century, as most historians hold, was that agriculture was the most (but not the only) important productive sector. Mountains and forests were central to these traditional economies - especially in all North Country regions-.

Mountains performed some essential functions in daily life. These lands were mistakenly known as "waste lands". Mountains and forests supplied many joint products. In addition of wood that could be sold to obtain some resources for the village, peasants attained supplementary harvests on some of these terrains. In addition, mountains provided fodder for grazing animals. And some other uses could be obtained such as fertilizers, ..., most of them managed on a common basis.

Most of these mountains belonged to communities living in the area. These property rights had been defined a long time previously, several centuries in some cases, in accordance with the physical and social conditions of the groups of people living there.

We should note that these resources were not open to everyone. Access was allowed only to the villagers, as a private group living in an area. Rules were basically customs and other informal norms maintained unchanged since long times past.

This large area of land was owned on a collective basis, and was, strictly speaking, neither public nor private. This was known as "propiedad communal", belonging to a group of people defined by their living in a specific village. There are no individual shares on the property (this lands had no individual owners), the rights were *the same* for everyone, they were non-transferable...; and ownership was extinguished when one stopped living in the village. Most of the mountain lands pertained to this kind of property.

This specific scenario was not completely known and understood by the reformers, who passed reforms in Madrid (the country's capital) far away from the reality reformed. So they met with unexpected opposition from the communities and even from the public authorities in the villages.

C.- A first reform attempt

The historical framework in which to begin analyzing the evolution of this situation is the liberal agrarian reform. This "communal" property was disliked by the economists of the time. A law was passed that turned all "comunal" property into "public property". This law, the first serious attack on against the "common pool resources", was passed at the beginning of the period of reforms (Decreto of January 14th, 1812).

The "new" law only acknowledged two types of property, private and public ownership. The doctrine of ownership, meaning absolute rights over the land and all values attached to it, lay in the foundations of the newly established concept of private property established. This reform was a widespread reform across Europe at that time. However, this reform was only a nominal change, without any real effect. Farmers continued using the resources in the same way, on a common use basis.

Later on, in the 1830s, legislators created a new government institution, the "Municipios", a case of local administration. Some times, the Municipio was the old community, but in others, it was formed by several local communities. In addition, before this reform there were some "compound or associate villages" that they were hardly going to be considered in the new law.

The public and communal mountains were assigned to the Municipios. This meant that reformers didn't recognize the role of very different smaller (or compound) bodies, which carried out important functions in the management of everyday life of commons. But, at the same time, these small entities didn't disappear² This reform on paper was not to be easily

² Nieto (1946), p. 318.

applied. People continued to live as usual. Furthermore, the new local bodies, the Municipios, had been designed in an artificial way - it is said that their design adhered more to geometrical criteria- without any sense of grouping according to the old traditions. It shouldn't be forgotten that legislators were not well informed about large areas so far away from where the centralized policies were applied.

III.- THE DISENTAILMENT PROCESS IN SPANISH 19TH CENTURY

1.- A general view of the reform

Public property, in accordance with the new political and economic ideas, was involved in a process of *disentailment*, in an attempt to find more productive uses for these resources. The old common mountain lands turned into public property after the law of 1812 we have just analyzed in the foregoing section. So the law effects were nominal only at first time.

Economic goals of the reform are always underlined. But there are some other factors, which could affect the way the process worked. On the one hand, financial burden of the State was very demanding at that time; on the other hand, especially at the beginning of the process, legislators and politicians writings mention about the necessity of establishing a new class of owners. As a consequence, public lands were sold at low prices and the main buyers were not the peasants who use directly the lands (this was called as "the lost opportunity" by Florez Estrada, an economist of the time). It was more urgent to create the new class of people interested in helping the new political order and to reach an establish political and economic system.

It happened that in the process of disentailment was not always easy to find buyers. The main reason seems to be the high costs of enforcing the titles of the new owners related to the small benefits they could obtain. The process was frequently to remove people who were using these resources from time immemorial; they felt morally entitled to use these lands as they always had done. The influence of the state authorities was very weak and was not able by enforcing the law to legally entitle the new owners. In addition to that, the list of land for selling was very incomplete. This is further proof of the informational nature of the problem.

Large quantities were sold, but the process was not homogeneous in all regions. The State couldn't sell all the property intended to, nor its public finance problems were solved in the process. Most of the sold properties were mountains and forests so they could be break-up and used for agricultural purposes. But there were other sold lands that they were not changed their traditional uses (pastures, timber,...) until long time ahead.

2.- Mountains catalogue of 1859

Since the beginning of the process, it was clear that some lands should be excluded of the disentailment reform because of its public utility. For this reason, the Finance Ministry asked a report about the mountains and forests that should be excluded. In addition, in order to organize the selling process it was needed to know what it could be sold.

This document -Clasificación General de Montes Públicos de 1859- is the first time that there is a systematic and general list of all mountains in Spain. This is its main interest. It was not a complete list, mainly because of the short time it was given for elaborating.

IV.- NAVARRA IN THE PAST: STATISTICAL REFERENCES

1.- Privatization of public forests and mountains: the traditional explanation

At the time mountains catalogue was elaborated (1859), Navarra was one of the three Spanish provinces where public mountain surface was larger than 60% of total mountain surface.

This large amount of public property in Navarra explains why it is a good example to analyze the privatization process. In addition of that, Navarra had large competencies in deciding how to apply the reform. This is another reason for analyzing and comparing similarities and differences.

Despite the fact that Navarra was administered by a self-governing forestry agency, the history of forestry in general coincides with the policies maintained in the same period in Spain. Privatization numbers were not the same, but a large number of similarities in the process can be found.

This decentralized government was the main specificity of the process in Navarra. But it is not clear yet how this affect the privatization reform. Traditional explanation said privatization was not successful since Navarra political authorities tried to protect all this lands for their people. However, some recent researches maintain there is a kind of a myth in this traditional explanation.

It is true that in the middle of past century (1841), it happened a main historical event as Navarra changed its political situation. It changed from being the "Kingdom of Navarra" to be a province of Spain. This was regulated in the Own Law Modification Decree (Ley de Modificación de Fueros de 1841).

This was something as an agreement law between Spain and Navarra, with a lot of premeditated ambiguities. This law, as it interest to us, in his article 6th said that all subjects about administration of rights and properties of villages will continue in the same way, that meant, in according to the *old* and mainly consuetudinary Navarra law. The special law about mountains was the Law of 1929 (Ley XXVI de las Cortes de Pamplona, de 16 de febrero de 1829, sobre conservación, fomento y repoblación de montes).

2.- Mountains catalogue of 1859 and some adaptations for Navarra

A.- Classification of mountains in XIX century

a.- Introduction

If we analyze the Mountains catalogue of 1859, mountains could be owned by the Central State (from now, the State), the municipalities and "the civil corporations". Last group was named as "los establecimientos públicos" in the 1901 Catalogue (which in Navarra, it didn't appear until 1912). However, in Navarra, there were only mountains of the first two groups.

In last century, the "Navarra Community" was not owner of any mountains. Nowadays, it owns some specific mountains. This was possible since 1899 (Real Decreto de 30 de mayo de 1899), when the Navarra government "must assign some public expenditures in its annual budgets in order to buy and reforest lands classificated as public utilities (interest) ones"³ At that time, it started what today is named as "Patrimonio Forestal de Navarra" (Navarra Forestry Patrimony).

b.- State mountains

They were forestlands with a double origin. In one side, there are some surfaces which belonged since immemorial times to the Kings of Navarra (sierras de Urbasa y Andía, Aralar y Bardenas Reales). When Navarra changed to be one more province in Spain (1841), although in a different way, all these lands were transferred to the "Corona" properties (the properties of the Kingdom of Spain). All the Corona lands were mixed

³ The translation is mine: "quedaba obligada a consignar en sus presupuestos una cantidad para la adquisición y repoblación de terrenos denominados de utilidad pública". The concept of "montes de utilidad pública" or public interest mountains is used since 19th century until now.

in 1865⁴ with the State lands, so these mountains were classified as State mountains.

On the other side, there are some forestlands that the “Corona” (the properties of the Kingdom of Spain) had acquired along XVIII century (Erregerena, La Cuestión, Legua Acotada, Quinto Real, Aezcoa, Sarvil y Alaiz). These mountains were transferred to the “Navarra community” recently, in 1987, as part of the present decentralization process in Spain.

Both group of mountains formed the “Patrimonio Forestal del Estado” (State Forestry Patrimony). Its extension is 77.500 has. (12% of total public surface)⁵.

It must be underlined that, in spite of his state ownership, it was a divided property as it usually was the feudal property. There was easement rights over these mountains in favor of the Navarre villages since immemorial times.

In some cases, these easement rights were used by the neighboring villages, individually or collectively (“**valle de Aézcoa**” and the “**Union de Aralar**”). In other cases, some villages further geographically located had some rights (this is the case of **Bardenas Reales**, where all the villages adjacent had some rights, but other Northern localities had pastures rights - the Roncal and Salazar valleys (near the Pyrenees)- so it was possible the moving cattle from winter to summer pastures. Even in some cases, all Navarre villages had rights over these lands (**Urbasa y Andía**). As Guaita mention, this is a specially of Navarra since it doesn't exist in Spain commons for all the province⁶. This situation means that there were the villages who really enjoyed and obtained the rents from these lands (pastures, woods,...), so it was something very closed to the mountains strictly owned by the villages. This situations, slightly modified, is working in nowadays.

The easement rights question is not as little interesting as it could seem in a first view. It was consider in the Own Law Modification Decree (Ley de Modificación de Fueros de 1841), in its article 14th commanded that:

⁴ Law of May, 12th of 1985 gave all the Corona goods and lands to the disentailment process. This reform dislike all intermediate groups and their condition as owners. This was applied even to the Corona institution.

⁵ The figures in the Catalog of Mountains of 1859 represented only a 6,5% of total public mountains. There are substantial differences between one figure and another.

⁶ Guaita (1959), p. 116.

"There won't be any change in the use of pastures and mountains in Andía, Urbasa and Bardenas, nor in other commons, as it is ordered in the Navarre laws and the villages privileges"⁷

It is in this way, these limited rights or easements were a political question, as all referred to the specific law of Navarre. It was an important question since it is in all about private property and their limits where clearer is showed the ideology support by the liberal reform. The goal was the perfect private property, nor divided, nor common, nor unalienable... a property for the market *must* be created. Other types of properties didn't fit very well with this scenario. Easement rights had a new regulation in Spain much more restrictive than in Navarra. They were saw as exceptional situations and as something should be incentive to disappear.

Lets make some comments about the origin and evolution of some others of these State mountains.

"Quinto Real" or "Alduides" is the larger of the mountains traditionally owned and managed by the State Forestry Woodlands –until 1987-. It is adjacent to other two mountains of the same class ("Erreguerena" and "Lengua Acotada"); all the wood production from these three mountains is used by RENFE (the national railway company) for the railways. In spite of the State ownership, there had been wood and pasture easements rights by people from some near localities (valle de Erro and valle de Baztán). The valle de Erro was able to use it as owner but at the same time, as a consequence of an special agreement to share pastures with the valle del Baztan - "facería"-, the latter could take its cattle there.

The State disliked this and disagree with these easements rights, so he tried to clarify this divided property. However, the Supreme Court act in 1877 maintained that these rights were real, so the localities could go on in using these lands as usually. Later on (1919), there was an agreement between the State about erasing these rights and as a compensation, Baztan and Erro were owners of some part of "Quinto Real" and "Erreguerena". However, a pasture easement right remained in favor of Baigorri ranchers (France) in the North part of Quinto Real. This rights were recognized in the Spanish-French Limits Treaty (signed in Bayonne, 2 of December of 1856). This divided property should difficult very much the reforestation of the

⁷ Translation is ours. “No se hará novedad alguna en el goce y disfrute de montes y pastos de Andía, Urbasa y Bardenas, ni otros comunes, con arreglo a los establecido en las leyes de Navarra y privilegios de los pueblos”.

mountain⁸. The annual fee paid by Baigorri valley goes directly to Erro and Baztan valleys. This is an example of an international "facería".

"Erreguerena" was purchased by the State in 1775. The reason could be to assure the wood enough as energy for its industries in Eugui and Orbaiceta⁹. All the easements rights in favor of Baztan were erased in 1919.

"La Cuestión" (the "dispute"; its own name remind its history) is the most productive of all the old managed State mountains. It was acquired by the State in the mentioned before "Spanish-French Limits Treaty" (part of the Irati forest, which belonged to France then, were transferred to Spain, who gave some lands in Salazar and Roncal, and the State pay some to these localities¹⁰). At the end of last century, its ownership was divided free of easements among Cilveti, Erro, Iragui and Eugui, and the State (it got 906 has.).

c.- Villages and localities mountains

They were the main part of public forestlands in the province, as it was in Spain. The process of "municipalisation" of these goods took place in a similar way.

The 1859 Catalogue made some mistakes in assigning some mountains to their owners. Its goal was to list the mountains related to the new entities of the "Municipios". But at the same time, it didn't say anything about the real owners, the small entities -"Concejos"- or compound entities -"Vales", "facerías"-, so they didn't disappear. Independently of this documents, the "concejos" (more precisely, people living there) had their own rights, what it looked like to the old "propiedad comunal of neighbors".

The difference between the "municipalisation of the common property" and "propiedad comunal of neighbors" is not a small one. In the first case, there are the local authorities who take decisions; in the latter, the neighbors can decide about rules and uses, deciding if new people who came to live to the village, could use or not the common resources.

Related to the late point, it is the question of the public ownership differences. There are several entities in Navarra which can be owners of

⁸ Guaita (1959), p. 115.

⁹ Iriarte Goñi (1997), p. 65.

¹⁰ La Cuestion was declared ownership of the State by Real Decreto 28 July 1859. The Salazar valley claimed it was its owner, but, finally, the Supreme Court act in 1880 declared the State ownership.

these forestlands: "concejos, municipios simples, municipios compuestos, faceros, juntas de vales y uniones de montes". As we mentioned before, the consequences of different administrative bodies are based mainly in who will be who decides about the regulation to be applied. Customs played an important role in this sense, since they are usually based on a local basis.

In the case of the "valleys" ("Vales") as public entities, the results were different. Historically, the valley was the single owner of all common properties, but as the time came, the municipalities of each valley were acquiring some of these lands. In 19th century, this individualization process was not yet finished, so some of the valleys were owners yet of some mountains. Law accepted the plural property as it was. This was the case of valleys of Salazar and Roncal. In the case of valley of Baztán, the valley has been until nowadays the only owner of all common property¹¹.

This situation made that in second half part of 19th century there were some conflicts between valleys and municipalities. It happened when the elite in the valley was different of the elite in the municipalities¹².

The differences of regulation can be important. In the case of Baztán, for example, when a "neighbor" (it was not need only to live; there were some others requirements: long time, family name,...) wanted to use a common property in order to cultivate it, the only thing he had to do to acquire an indefinite right, it was to sign the parcel in the four corners, so everyone could know it.

But there were two limits: it had to be cultivated annually and, if one year was not cultivated, another neighbor could occupied the land. The second limit was the obligation to maintain open the field when there was no fruit on it, so it could use as pasture for the rest neighbors. As Arizkun said, this is a regime quite close to private property, but it add a mechanism which can avoid the social conflicts. There is a way of exclusion and individualization in the commons but, at the same time, it is not allowed the land accumulation if it is not in a productive sense. It is disincentive the occupation and not production of lands. However, it can not forgotten that communal doesn't mean equallitarian uses and rents. In this examples, it is clear that neighbors with more capital to cultivate it could use the commons much more than those who doesn't have it.

¹¹ Arizkun (1988), pp. 50-54.

¹² Iriarte Goñi (1997), p. 70-1.

B.- Remarks about the Mountains Catalog applied to Navarra

a.- Over total surface

Last research tell us that the dates in Mountains Catalog for Navarra should be considered "as an short approximation of public mountains in Navarra"¹³, so they must be complemented with another information.

According to estimations by Iriarte Goñi, the public mountains surface was about 619.826,56 has. That means the 61% of total surface (almost 12 points higher than the figures in the Catalog). Comparison of these figures with the figures in the Catalog for Spain (23%)¹⁴ show clearly the different status quo.

One of the main reasons of the errors in the Catalog refer to the surfaces belonged to the goods and lands in the old Kingdom of Navarra. These were not included until 1865 in the goods and lands of the State. We explain these differences before when explaining the State mountains in Navarra.

b.- Over total mountains surface

Earlier figures can be complemented if we analyze the public mountains surface refer to the total mountains surface. Spain has a very heterogeneous geographic conditions, so the next figures can show new light in our explanation.

In the case of Spain, the public mountains surface represented in 1859 the 35,3% of total mountains surface (this last one represent the 65,3% of the total surface of Spain).

However, as Navarra respect, the public mountains surface represent the 78,5% of total mountains surface (and this is the 72,5% of the total surface of Navarra). As we can see, the public mountains were a larger part than in the case of Spain.

3.- The privatisated surfaces

The 19th century privatisated surfaces were very divergent in the Spanish regions and provinces. In general terms, it can be said that public mountain "was Northern located in 1926 than in 1859"¹⁵. Between this two

¹³ Iriarte Goñi (1997), p. 53. Translation is ours.

¹⁴ GEHR (1994), p. 101

¹⁵ GEHR (1994), p. 110.

dates, it was privatised 4.800.000 has, which represent the 9,6% of Spanish surfaces and the 41,5% of public mountains in 1859.

Between 1859-1926, public mountains privatised in Navarra were 161.596,56 has., a 26,07% of the figure in 1859. Why these large differences?

Traditional economic studies, based in mainstream economics, consider the institutional framework for granted. They build their models with a false air of institution-neutrality. From this simple perspective, it can be conclude that differences in Spanish mountains privatization can be explained in the different amounts at the beginning of the process, or in the quality differences in land sold and unsold.

A fuller understanding of the process has to involve their social and cultural context and the underlying political and historical context and its evolution in each region.

We talked before about the Navarra political explanation. It can answer some peculiarities but not all. The State was not so interested in the privatization process in Navarra for two reasons mainly. First, the mentioned reason the State was limited in its faculties by the Navarra institutions.

Second, one of the aspects the State tried to apply in Navarra, as it happened in all the country, was that 20% of the sum collection was for paying national debt. Navarra show strong opposition to this act, and finally, the State decided not apply it in Navarra. As a result, it can be true that State interest were less intense in this region.

In addition, some sold properties didn't change its uses at all. New owners didn't usually act directly, so the way the property was used, on a common property basis, didn't change for a long time.

The relative success of the norms and customs traditionally governing the resources -and the failure of the reforms of the central state authorities- can be explained, as least in part, in terms of the enforcement costs in each case.

The enforcement of rights can be undertaken by both individual owners and the state. The traditional use of common mountains lands was

enforced mainly by social norms¹⁶. On the other hand, the cost of enforcing the new exclusive rights "created" by the new law was very high¹⁷.

We have just seen there were some sold forestlands where uses didn't change. But there was a movement in the contrary direction. In spite of the less intense privatization process, the public properties of mountains and forests won't be the same. One of the main consequences was the privatization of uses on these surfaces, but not of the real properties. Some complex contracts and organizations ran everyday life on these communal resources, based mainly on customs and conventions with a century origin. We don't know exactly if this result means a more equalitarian distribution of the resources. But we can not disregard the possibility this privatization of uses was a less costly way of maintaining the status quo, independently which it was.

V.- SOME COMMENTS ABOUT MANAGEMENT OF COMMUNAL FORESTS AND MOUNTAINS

Privatization mechanisms.- Laws of privatization talked exclusively of selling lands as a way to create a private market of lands. It was supposed that this reform should help to incentive owners to invest their capitals in this sold lands and invest also in their improvement to reach more productive technologies.

However, selling of lands was not the only way of changing uses of public properties. The rural communities where these reforms tried to apply were very different. As a result, social answers to these political attempts were not always the same. Different strategies depended on political influence of social groups affected.

Some of these institutions are not very well known as a consequence of their small economic interest, in spite of some of them are still working in nowadays. In addition, customs and conventions play a main role in defining the specific way these institutions work.

¹⁶ Alchian (1977), pp. 129-30, underlines this social norms: "The rights of individuals to the use of the resources (i.e., property rights) in any society are to be construed as supported by the force of etiquette, social custom, ostracism (and formally legally enacted acts...).. Many of the constraints... involve the force of... social acceptance, reciprocity, and voluntary social ostracism for violators of accepted codes of conduct".

¹⁷ Eggertsson (1990), p. 35: The cost of enforcing rights "is reduced when the public generally entertains social norms that coincide with the basic structure of rights that the state seeks to uphold".

Navarra civil and administrative laws accepted, and accept in the present, most of these centurial institutions, generally speaking. I mean, customs are accepted even when there is an opposite rule about the subject.

Complex contracts.- Figures about sold lands need some comments before making conclusions about the new structure of property rights in the forestlands. There were some complex contracts of selling lands which included special stipulations forcing the new owners to allow the neighboring uses.

VI.- FINAL REMARKS

At the moment we can not make a final conclusion about why privatization of common resources in Navarra has not been so intensive as in other parts of Europe, and Spain specially.

In any case, we have found some typical institutions -own laws, customs and conventions- which can help to understand some differences, but they are not a definitive reason. We will analyze some of these local entities, their evolution and their influence in forest resources, specially in the common property ones, independently how are managed.

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| MOUNTAINS AND FORESTS SURFACE (NAVARRA - SPAIN: 1859 - 1926) | | | | | | |
|---|---------------|--------------------------------------|--|---------------------------|---|--|
| | Total surface | Public mountains and forest (has) | % Public mountains over total surface | Total mountain surface | % Public mountain over total mountain surface | % Public and private moutains over total surface |
| | [1] | [2] | % of [2] over [1] [3] | [4] | % of [2] over [4] [5] | % of [4] over [1] [6] |
| NAVARRA | | | | | | |
| 1859 | 1.042.100 | 619.826 | 61 | 755.137 | 78,5 | 72,5 |
| 1926 | 1.042.100 | 458.230 | 44 | 618.103 | 74,1 | 59,3 |
| (Forestry Plan)1998 | 1.042.100 | 372.953 | 36 | 549.953 | 35,8 | 52,77 |
| Difer. 1859-1926 | | 161.596 | | 137.034 | | |
| % Privat. surface over [2]public surf. 1859 | | 26% | | | | |
| ESPAÑA | | | | | | |
| 1859 | 49.789.311 | 11.467.241 | 23 | 35.525.680 | 35,3 | 65,3 |
| 1926 | 49.789.311 | 6.838.628 | 13,7 | 26.435.186 | 25,9 | 53 |
| Difer. 1859-1926 | | 4.628.613 | | 9.090.494 | | |
| %Privat. surface over [2]public surf. 1859 | | 40% | | | | |
| Based on: Iriarte (1997) and GEHR (1991), (1994). | | | | | | |
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Appendix 1